

AMENDED IN SENATE APRIL 11, 2005

AMENDED IN SENATE MARCH 29, 2005

**SENATE BILL**

**No. 689**

**Introduced by Senator Speier**  
**(Principal coauthor: Senator Denham)**  
(Principal coauthor: Assembly Member Lieber)

February 22, 2005

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An act to amend Section 12811 of, ~~and to add Section 4150.3 to,~~ the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 689, as amended, Speier. Vehicles: organ and tissue donors: registry.

Existing law requires the Department of Motor Vehicles, upon issuance of a new driver's license or a renewal of a driver's license or the issuance of an identification card, to provide information on organ and tissue donation, including a standardized form to be filled out by an individual who desires to enroll in the California Organ and Tissue Donor Registry with instructions for mailing the completed form to the California Organ and Tissue Donor Registrar, and including a donor dot that may be affixed to the new driver's license or identification card.

~~Existing law requires an application for the original or renewal registration of a vehicle to be made by the owner to the department upon appropriate forms issued by the department.~~

This bill would require the department to collect donor designation information on all applications for an original or renewal driver's license or identification card, ~~and on all applications for original or renewal vehicle registration.~~

The bill would require the department to electronically transmit donor designation information on a monthly basis to the California Organ and Tissue Donation Registrar.

~~The bill would require the department to print the word “DONOR” or another appropriate designation on the face of a driver’s license or identification card issued after January 1, 2006, to certain persons registered as donors.~~

The bill would authorize a person who applies for an original or renewal driver’s license, or identification card, ~~or for an original or renewal vehicle registration,~~ to designate a voluntary contribution of \$2 for the purpose of promoting and supporting organ and tissue donation. The bill would require this contribution to be collected by the department, and treated as a voluntary contribution to the California Organ and Tissue Donor Registry and not as a fee for issuance of a driver’s license or identification card, ~~or for the issuance of a vehicle registration.~~

The bill would prohibit the department from using more than an unspecified percentage of the donations collected under these provisions to cover certain of its actual administrative costs and would require the department to transmit the remaining funds to the registrar for support of the registry.

The bill would require the department’s application forms for issuance of original and renewal driver’s licenses and identification cards and of original and renewal vehicle registrations to include information directing persons who desire to change their donor status to the ~~California Organ and Tissue Donor Registry’s~~ *registry’s mailing address and Web site.*

*The bill would authorize a person between the age of 16 and 18 to designate himself or herself as an organ and tissue donor, subject to that person’s legal guardian making the final decision regarding the donation.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     ~~SECTION 1. Section 4150.3 is added to the Vehicle Code, to~~
- 2     ~~read:~~
- 3     ~~4150.3. (a) Upon issuance of an original or renewal vehicle~~
- 4     ~~registration, the department shall provide information on organ~~

1 and tissue donation, including a standardized form to be filled out  
2 by an individual who desires to enroll in the California Organ  
3 and Tissue Donor Registry pursuant to subdivision (a) of Section  
4 7152.7 of the Health and Safety Code.

5 (b) The department shall collect donor designation information  
6 on all applications for issuance of an original or renewal vehicle  
7 registration.

8 (c) The department shall electronically transmit donor  
9 designation information collected under this section to the  
10 California Organ and Tissue Donation Registrar on a monthly  
11 basis.

12 (d) (A) A person who applies for issuance of an original or  
13 renewal vehicle registration may designate a voluntary  
14 contribution of two dollars (\$2) for the purpose of promoting and  
15 supporting organ and tissue donation. This contribution shall be  
16 collected by the department, and treated as a voluntary  
17 contribution to the California Organ and Tissue Donor Registry  
18 and not as a fee for the issuance of vehicle registration.

19 (e) The department may use not more than \_\_\_\_ percent of the  
20 donations collected under this section to cover its actual  
21 administrative costs incurred under subdivisions (a) to (c),  
22 inclusive. The department shall transmit all revenue derived  
23 under this section and remaining after the department's deduction  
24 for administrative costs to the registrar for support of the registry.

25 (f) The department's application forms for the issuance of  
26 original and renewal vehicle registration shall include  
27 information directing persons who desire to change their donor  
28 status to the California Organ and Tissue Donor Registry's Web  
29 site.

30 (g) The registry enrollment form shall be simple in design and  
31 shall be produced by the department in cooperation with the  
32 California Organ and Tissue Donor Registrar and shall require all  
33 of the following information to be supplied by an enrollee:

34 (1) Date of birth, sex, full name, and other information  
35 deemed necessary to provide a positive identification of an  
36 individual.

37 (2) Consent for organs or tissues to be donated for transplant  
38 after death.

39 (3) Any limitation of the donation to specific organs or tissues.

~~(h) The registry enrollment form shall also include both of the following:~~

~~(1) A description of the process for having a name removed from the registry, and the process for donating money for the benefit of the registry.~~

~~(2) A statement that the name of any person who enrolls in the registry pursuant to this section shall be made available to federally recognized donor organizations.~~

~~(i) The registry enrollment form shall be posted on the Web sites for the department and the California Health and Human Services Agency.~~

~~(j) The registry enrollment form shall constitute a legal document under the Uniform Anatomical Gift Act (Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code) and shall remain binding after the donor's death despite any express desires of next of kin opposed to the donation.~~

~~(k) The registrar shall ensure that all additions and deletions to the registry shall occur within 30 days of receipt.~~

~~(l) Information obtained by the registrar for the purposes of this subdivision shall be used for these purposes only and shall not be disseminated further by the registrar.~~

~~(m) A public entity or employee shall not be liable for any loss, detriment, or injury resulting directly or indirectly or indirectly from false or inaccurate information contained in the form provided pursuant to this section.~~

~~(n) This section does not apply to the registration of a commercial vehicle, as defined in subdivision (b) of Section 15210, or a vehicle registration issued to a renter, as defined in Section 508.~~

~~SEC. 2.~~

*SECTION 1.* Section 12811 of the Vehicle Code is amended to read:

12811. (a) (1) (A) When the department determines that the applicant is lawfully entitled to a license, it shall issue to the person a driver's license as applied for. The license shall state the class of license for which the licensee has qualified and shall contain the distinguishing number assigned to the applicant, the date of expiration, the true full name, age, and mailing address of the licensee, a brief description and engraved picture or

1 photograph of the licensee for the purpose of identification, and  
2 space for the signature of the licensee.

3 (B) Each license shall also contain a space for the endorsement  
4 of a record of each suspension or revocation thereof.

5 (C) The department shall use whatever process or processes, in  
6 the issuance of engraved or colored licenses, that prohibit, as  
7 near as possible, the ability to alter or reproduce the license, or  
8 prohibit the ability to superimpose a picture or photograph on the  
9 license without ready detection.

10 (2) In addition to the requirements of paragraph (1), a license  
11 issued to a person under 18 years of age shall display the words  
12 “provisional until age 18.”

13 ~~(b) (1) Upon issuance of a new driver’s license or a renewal~~  
14 ~~of a driver’s license or the issuance of an identification card, the~~  
15 ~~department shall provide information on organ and tissue~~  
16 ~~donation, including a standardized form to be filled out by an~~  
17 ~~individual who desires to enroll in the California Organ and~~  
18 ~~Tissue Donor Registry pursuant to subdivision (a) of Section~~  
19 ~~7152.7 of the Health and Safety Code.~~

20 *(b) (1) The front of an application for an original or renewal*  
21 *of a driver’s license or identification card shall contain a space*  
22 *for any applicant, age 16 or older, to give his or her consent to*  
23 *be an organ and tissue donor upon death. An applicant who*  
24 *gives consent shall be directed to read a statement on the back of*  
25 *the application that shall contain the following statement:*

26 *“If you marked on the front of the application that you want to*  
27 *be an organ and tissue donor upon death, your consent shall*  
28 *serve as a legally binding document as outlined under the*  
29 *California Uniform Anatomical Gift Act. Except in the case*  
30 *where the donor is under the age of 18, the donation does not*  
31 *require the consent of any other person. For donors under the*  
32 *age of 18, the legal guardian of the donee shall make the final*  
33 *decision regarding the donation. If you want to change your*  
34 *decision to consent in the future, or if you want to limit the*  
35 *donation to specific organs or tissues, you must contact Donate*  
36 *Life Organ and Tissue Donor Registry by mail at 1760 Creekside*  
37 *Oaks Drive, #160, Sacramento, CA 95833, or through the World*  
38 *Wide Web at [www.donateLIFEdcalifornia.org](http://www.donateLIFEdcalifornia.org), or*  
39 *[www.doneVIDAcalifornia.org](http://www.doneVIDAcalifornia.org).”*

1 (2) *Notwithstanding any other provision of law, a person*  
2 *under age 18 may register as a donor. However, the legal*  
3 *guardian of that person shall make the final decision regarding*  
4 *the donation.*

5 (3) The department shall collect donor designation information  
6 on all applications for an original or renewal driver's license or  
7 identification card.

8 ~~(3) The department shall electronically transmit donor~~  
9 ~~designation information on a monthly basis to the California~~  
10 ~~Organ and Tissue Donation Registrar.~~

11 ~~(4) The department shall print the word "DONOR" or another~~  
12 ~~appropriate designation on the face of a driver's license or~~  
13 ~~identification card issued after January 1, 2006, to a person who~~  
14 ~~registered as a donor on a form issued under this section.~~

15 (4) *On a weekly basis, the department shall electronically*  
16 *transmit to the California Organ and Tissue Donation Registrar*  
17 *all of the following information on every applicant that has*  
18 *indicated his or her willingness to participate in the organ*  
19 *donation program:*

20 (A) *His or her true full name.*

21 (B) *His or her residence or mailing address.*

22 (C) *His or her date of birth.*

23 (D) *His or her California driver's license number or*  
24 *identification card number.*

25 (5) (A) A person who applies for an original or renewal  
26 driver's license or identification card may designate a voluntary  
27 contribution of two dollars (\$2) for the purpose of promoting and  
28 supporting organ and tissue donation. This contribution shall be  
29 collected by the department, and treated as a voluntary  
30 contribution to the California Organ and Tissue Donor Registry  
31 and not as a fee for the issuance of a driver's license or  
32 identification card.

33 (B) The department may use not more than \_\_\_\_ percent of  
34 the donations collected under this paragraph to cover its actual  
35 administrative costs incurred under paragraphs ~~(2) and (3)~~ (3)  
36 *and (4)*. The department shall transmit all revenue derived under  
37 this paragraph and remaining after the department's deduction  
38 for administrative costs to the registrar for support of the registry.

39 ~~(6) The department's application forms for the issuance of~~  
40 ~~original and renewal driver's licenses and identification cards~~

1 shall include information directing persons who desire to change  
2 their donor status to the California Organ and Tissue Donor  
3 Registry's Web site.

4 (7) The enrollment form shall be simple in design and shall be  
5 produced by the department in cooperation with the California  
6 Organ and Tissue Donor Registrar and shall require all of the  
7 following information to be supplied by an enrollee:

8 (A) Date of birth, sex, full name, and other information  
9 deemed necessary to provide a positive identification of an  
10 individual.

11 (B) Consent for organs or tissues to be donated for transplant  
12 after death.

13 (C) Any limitation of the donation to specific organs or  
14 tissues.

15 (8) The form shall also include both of the following:

16 (A) A description of the process for having a name removed  
17 from the registry, and the process for donating money for the  
18 benefit of the registry.

19 (B) A statement that the name of any person who enrolls in the  
20 registry pursuant to this section shall be made available to  
21 federally recognized donor organizations.

22 (9)–

23 (8) The registry enrollment form shall be posted on the Web  
24 sites for the department and the California Health and Human  
25 Services Agency.

26 (10) The form

27 (7) *The enrollment* shall constitute a legal document under the  
28 Uniform Anatomical Gift Act (Chapter 3.5 (commencing with  
29 Section 7150) of Part 1 of Division 7 of the Health and Safety  
30 Code) and shall remain binding after the donor's death despite  
31 any express desires of next of kin opposed to the donation.  
32 *Except as provided in paragraph (2) of subdivision (b), the*  
33 *donation does not require the consent of any other person.*

34 (11)–

35 (8) The registrar shall ensure that all additions and deletions to  
36 the registry shall occur within 30 days of receipt.

37 (12)–

38 (9) Information obtained by the registrar for the purposes of  
39 this subdivision shall be used for these purposes only and shall  
40 not be disseminated further by the registrar.

1 (c) A public entity or employee shall not be liable for any loss,  
2 detriment, or injury resulting directly or indirectly from false or  
3 inaccurate information contained in the form provided pursuant  
4 to subdivision (b).

5 (d) A contract shall not be awarded to any nongovernmental  
6 entity for the processing of driver's licenses, unless the contract  
7 conforms to all applicable state contracting laws and all  
8 applicable procedures set forth in the State Contracting Manual.

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